



ARKANSAS JUDICIARY

Published on *Arkansas Judiciary* (<https://courts.arkansas.gov>)

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## Rule 67. Deposit In Court.

In an action in which any part of the relief sought is a judgment for a sum of money or the disposition of a sum of money or the disposition of any other thing capable of delivery, a party, upon notice to every other party, and by leave of court, may deposit with the court all or any part of such sum or thing. Money or property paid into court under this rule shall not be withdrawn except upon the express, written order of the court and shall be delivered only to the person determined by the court to be entitled thereto.

Reporter's Notes to Rule 67: - 1. Rule 67 is a slightly modified version of FRCP 67. The only variation is found in the last sentence and this change is designed to safeguard the money or object on deposit by insuring that it shall not be released without the express, written order of the court and only then to the person whom the court has determined to be entitled to possession.

2. Prior Arkansas law was codified as superseded Ark. Stat. Ann. 27-1601 (Repl. 1962). Under this rule, however, a party must initiate the deposit as opposed to having the court take the initiative. The deposit must be with leave of the court and upon notice to the opposing party.

### **Associated Court Rules:**

Rules of Civil Procedure

### **Group Title:**

VIII. Counsel; Provisional and Final Remedies; Suits in Forma Pauperis

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**Source URL:** <https://courts.arkansas.gov/rules-and-administrative-orders/court-rules/rule-67-deposit-court>